

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Kirvin L. Hodge, et al. Atty. Ref.: 18034-PCTUS  
Appl. No.: 10/531,618 Group Art Unit: 1614  
Filed: April 14, 2005 Examiner: Weddington, K.  
Conf. No.: 8180 Customer No.: 31976  
Title: COMPOUNDS FOR THE TREATMENT OF METABOLIC  
DISORDERS

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September 21, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION IN RESPONSE TO OFFICE ACTION**

Sir:

This Communication is submitted in response to the September 20, 2007 Office Action in connection with the above-identified patent application. A response to the Office Action is due October 20, 2007. Accordingly, this Communication is being timely filed.

The September 20, 2007 Office Action vacated the November 7, 2006 Office Action and required restriction among three allegedly distinct inventions, as follows:

- I. Claims 6-13, drawn to a method for treating, class 514, subclass 310.
- II. Claims 14-18, drawn to a pharmaceutical composition, class 514, subclass 310.
- III. Claims 19-22 and 24-29, drawn to a biologically active agent, class 544, various subclasses

In response to the restriction requirement, applicants hereby elect Group III (claims 19-22 and 24-29) with traverse. Applicants submit that restriction is not proper because there would not be a serious burden on the examiner if restriction is not required (MPEP 803.01, Rev. 5, Aug. 2006, page 800-4.).

In this case the Office has already performed a search and issued an Office Action on the merits. Because all three inventions have already been searched, there would not be a serious burden on the examiner if restriction among the three inventions is not required.

Moreover, Groups I and II are classified in the same class and subclass. Therefore there would not be a serious burden on the examiner if restriction between Groups I and II is not required. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

No fee is believed necessary in connection with the filing of this Communication. If any fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,

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